

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

TIMOTHY E. STAPLETON,

Petitioner,

v.

CIVIL ACTION NO. 5:05-cv-00755

CHARLES FELTS, Warden,

Respondent.

**MEMORANDUM OPINION**

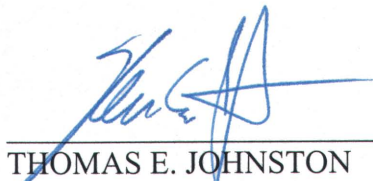
Pending before the Court is Petitioner's Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in Federal Custody [Docket 1]. By Standing Order entered on July 21, 2004, and filed in this case on September 13, 2005, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R [Docket 5] on July 28, 2008, recommending that this Court **DISMISS** the application and remove this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de*

*novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were due in this case by August 14, 2008. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the recommendation contained in the PF&R [Docket 5], and **DISMISSES** Petitioner’s Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in Federal Custody [Docket 1]. A separate Judgment Order will enter this day implementing the rulings contained herein.

ENTER: August 29, 2008



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE